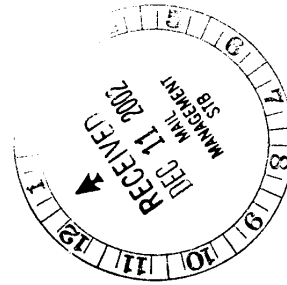


206835

December 5, 2002

Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 400X);
The Burlington Northern and Santa Fe Railway Company
Abandonment from Franklin, Nebraska to Red Cloud, Nebraska**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Michael A. Smith
Senior Counsel
Direct 312.360.6724
Fax 312.360.6598
msmith@
freebornpeters.com

Dear Ms. Rutson:

On or after December 26, 2002, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon or discontinue service of 19.8 miles of railroad line between milepost 216.95 near Franklin, Nebraska and 197.15 near Red Cloud, Nebraska which traverses through United States Postal ZIP Codes 68972, 68939, 68952 and 68970. Attached are three copies of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

Chicago

Springfield

Sincerely,

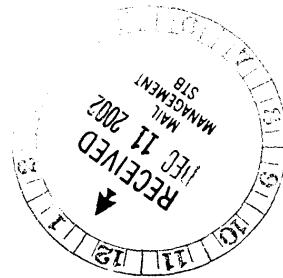
Michael A. Smith

Enclosures

ENTERED
Office of Proceedings
DEC 12 2002
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
216.95 near Franklin, Nebraska
and M.P. 197.15 near Red Cloud,
Nebraska



Docket No. AB-6
(Sub No. 400X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 216.95 near Franklin, Nebraska and M.P. 197.15 near Red Cloud, Nebraska, total distance of 19.8 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. Franklin and Webster Counties have been notified and as of the date of this report, has not responded. See Exhibits B and C.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The area to be abandoned is not cropland, thus it will not affect any Farmland Protection Policy Act provisions. See Exhibit D, letter from the Natural Resource Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

Franklin and Webster Counties have been notified and as of the date of this report, has not responded. See Exhibits B and C.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. The proposed abandonment will eliminate 13 public crossings. There are 21 private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way between Franklin and Red Cloud, Nebraska (milepost 216.95 to 197.15).

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Records of the Nebraska Natural Heritage Program indicate no documented occurrence of threatened/endangered species or their critical habitats within or adjacent to the right of way. See Exhibit E, letter from the Nebraska Game and Parks Commission. The bald eagle (*Haliaeetus leucocephalus*) and the whooping crane (*Grus americana*) may occur in the vicinity of the proposed abandonment. See Exhibit F, letter from the U.S. Fish and Wildlife Service. It appears unlikely that abandonment would adversely affect wintering or migrant bald eagles. If wintering cranes are sighted during salvage, BNSF will consult with the U.S. Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will not affect any public lands administered by the Bureau of Land Management. See Exhibit G, e-mail from the Bureau of Land Management. The proposed abandonment traverses approximately one mile of a Nebraska Game and Parks Commission Wildlife Management Area ("The

Narrows.”) See Exhibit E, letter from the Nebraska Game and Parks Commission.

Approximately one mile of the Republican River forms the S-shaped west boundary of the Wildlife Management Area, which has a total of 236 acres.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF does not anticipate any inconsistencies with applicable Federal, State or local water quality standards.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A Section 404 permit will not be required. See Exhibit H, letter from the Army Corps of Engineers. BNSF does not anticipate the proposed abandonment affecting any designated wetlands or 100 year floodplains. The Franklin County Engineer and the Webster County Clerk have been notified and as of the date of this report, they have not responded. See Exhibits I and J.

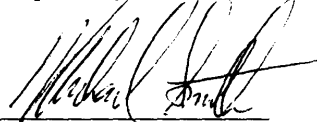
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

An NPDES permit will not be required for track and tie removal from the segment of the railroad line being abandoned. See Exhibit K, letter from the State of Nebraska Department of Environmental Quality.

(10) **Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: December 4, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
216.95 near Franklin, Nebraska
and M.P. 197.15 near Red Cloud,
Nebraska

Docket No. AB-6
(Sub No. 400X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 216.95 in Franklin, Nebraska to M.P. 197.15 near Red Cloud, Nebraska, a total distance of 19.8 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Nebraska State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The right of way of the Franklin to Red Cloud, Nebraska line is 100 feet wide except for station grounds. The right of way is rural in nature and is located in southeast Nebraska in relative close proximity to the Kansas state line. Franklin has a population of 1,026 and Riverton has a population of 145. Inavale is not incorporated and Red Cloud has a population of 1,131. The line is located in the valley of the Republican river and has a gentle slope. The surrounding area is agricultural in nature with major crops being grain products.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are twenty-six bridges that are 50 years or older in the immediate area of the abandonment other than bridges. Photographs of the twenty-six are attached to this report. See Exhibit L.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit L.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Republican Valley Railroad Company and the Chicago Burlington and Quincy Railroad Company (CBQ) acquired the majority of the right of way by various deeds from 1878 through 1921. The Republican Valley Railroad Company was a predecessor of the CBQ. In 1979 the CBQ merged with the Northern Pacific Railway Company and the Great Northern Railway Company to become the Burlington Northern

Railroad Company (BN). In 1995, BN merged with the Atchison Topeka and Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company. This line has been out of service for several years and no changes in carrier operations are anticipated as a result of the proposed abandonment.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. There are two archaeological resources near the proposed abandonment. The Nebraska State Historical Society recommends that an archaeologist inspect the location to determine the potential effect of the proposed abandonment on the sites. See Exhibit M, letter from the Nebraska State Historical Society. BNSF will coordinate with the Nebraska State Historical Society on this matter.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

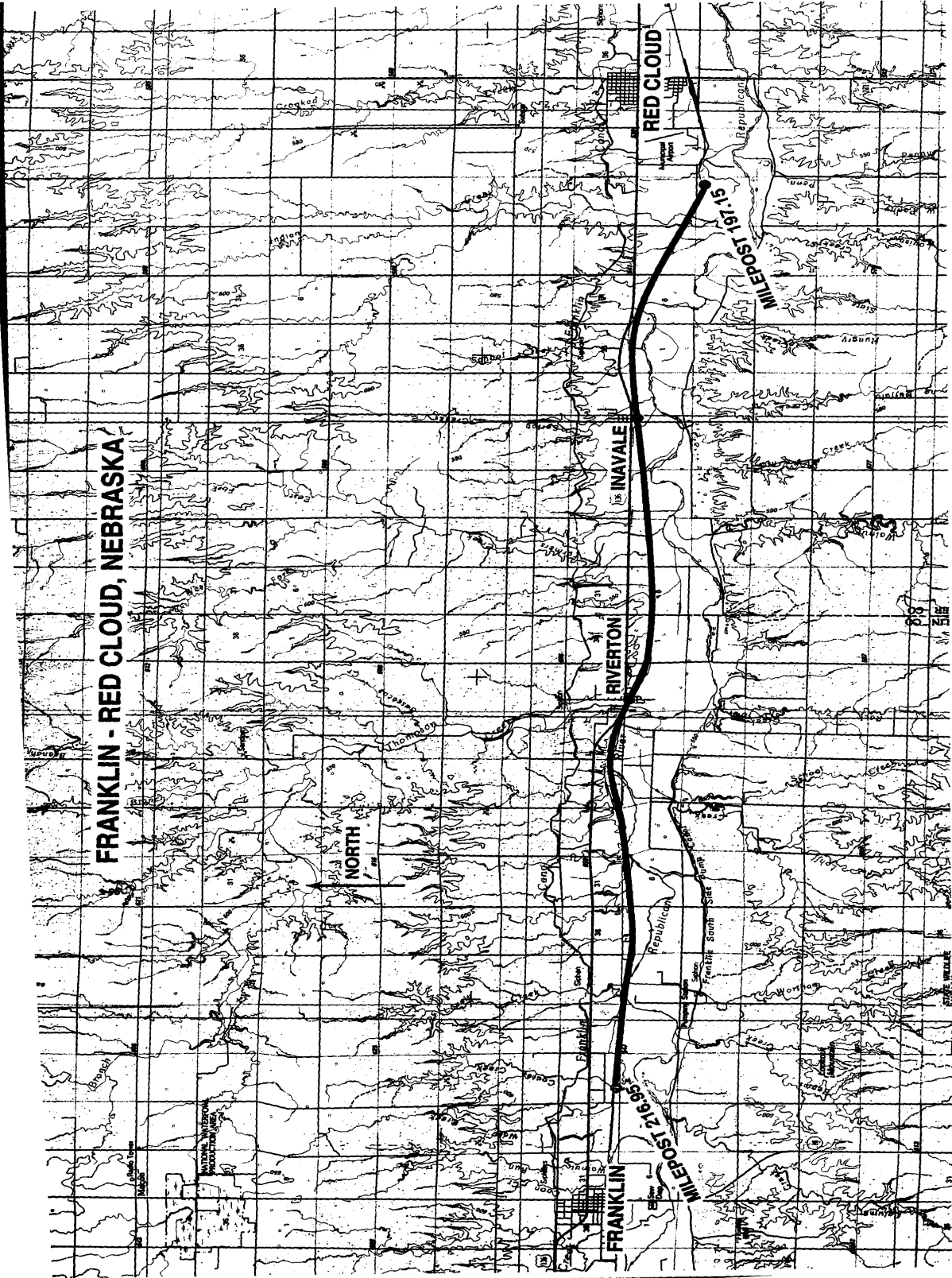
A handwritten signature in black ink, appearing to read 'Michael Smith', written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: December 4, 2002

A

FRANKLIN - RED CLOUD, NEBRASKA



Freeborn & Peters

September 3, 2002

Claudette M. Russell
Supervisor, Chair
Franklin County
P.O. Box 146
Franklin, NE 68939-0146

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Franklin, Nebraska to Red Cloud, Nebraska***

Dear Ms. Russell:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska to Milepost 197.15 near Red Cloud, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by October 3, 2002. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

c

Freeborn & Peters

September 3, 2002

Ronald Gestring
Commissioner, Chair, District 1
Webster County
621 North Cedar
Red Cloud, NE 68970

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Franklin, Nebraska to Red Cloud, Nebraska***

Dear Mr. Gestring:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska to Milepost 197.15 near Red Cloud, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by October 3, 2002. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

D



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

Nebraska NRCS State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

September 25, 2002

Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Brian:

This letter is concerning the Burlington Northern and Santa Fe Company Abandonment of Franklin, Nebraska to Red Cloud, Nebraska. Since the area to be abandoned is not cropland, it will not effect any Farmland Protection Policy Act (FPPA) provisions. FPPA would be a concern if cropland, that contains prime farmland soils, would be converted to non-cropland using Federal funding. Proceed with the abandonment.

If you need further assistance, please contact Tim Schaaf at our York Field Office. Tim's number is (402) 362-5700, Extension 3.

Sincerely,

STEPHEN K. CHICK
State Conservationist

cc:

Kenneth E. Noonan, ASTC/FO, NRCS, Lincoln SO
Marvin Brown, SRC, RC Staff, NRCS, Lincoln SO
Dan Bauman, RC, NRCS, Red Cloud FO
Joe Vavricka, RC, NRCS, Franklin FO

E



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370
Phone: 402-471-0641 / Fax: 402-471-5528 / <http://www.ngpc.state.ne.us/>

October 7, 2002

Brian Nettles
Freeborn and Peters
3111 South Wacker Drive Suite 3000
Chicago IL 60606-6677

**RE: Railroad abandonment; Burlington Northern Santa Fe Railway Company;
Franklin to Red Cloud, Franklin and Webster Counties.**

Dear Mr. Nettles:

This responds to your letter of September 3, 2002 requesting Game and Parks Commission review of the proposed action identified above. The project, if approved, will involve abandonment of BNSF line from Franklin (m.p. 216.95) to Red Cloud (m.p. 197.15) in south-central Nebraska. This right-of-way also extends through the Villages of Riverton and Inavale.

Records of the Nebraska Natural Heritage Program indicate no documented occurrence of threatened/endangered species or their critical habitats within or adjacent to the right-of-way under review. We have enclosed an aerial photograph excerpt showing location of a Nebraska Game and Parks Commission Wildlife Management Area ("The Narrows") which is traversed by approximately 1.1 miles of the R-O-W being reviewed. Approximately one mile of the Republican River forms the S-shaped west boundary of the WMA, which has a total of ± 236 acres.

We appreciate the opportunity to review the proposed action. Please advise if further review is required.

Sincerely,

Bruce K. Sackett
Division Administrator
Realty/Environmental Services Division

BKS:pz

Encl:

CC: Bruce Morrison, NGPC
Daylan Figgs, NGPC
Brad Seitz, NGPC



NEBRASKA GAME and PARKS COMMISSION

2200 North 33rd Street

P.O. Box 30370

Lincoln, NE 68503

(402) 471-0641

FAX: (402) 471-5528

FAX COVER SHEET

TO: BRIAN NETTLES
FREEBORN & PETERS
FAX (312) 360-6596

Date Sent:

OCT 8, 2002

FROM: CURT TWEED
NEBR GAME & PARKS
Phone (402) 471-5423

Number of Pages:
(including cover page)

2

REMARKS:

The signed original and area map
mentioned in ~~our~~ our memo will be mailed
today.

❖ CONFIDENTIALITY ❖

This fax transmission contains information which is confidential and/or privileged. It is intended for the individual or firm named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, or distribution of the contents of this fax is prohibited. If you have received this fax in error, please notify us immediately by telephone at one of these numbers: (402) 471-5571 or (402) 471-5548.

Transmitting from a SHARP FO-5600

F



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

September 6, 2002

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

This responds to your September 3, 2002, letter requesting comments by the U.S. Fish and Wildlife Service regarding a proposal by the Burlington Northern and Santa Fe Railway Company to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska and Milepost 197.15 near Red Cloud, Nebraska. In accordance with Section 7(c) of the Endangered Species Act of 1973, we have determined that the following federally listed species may occur in the vicinity of the proposed abandonment:

<u>Listed Species</u>	<u>Expected Occurrence</u>
Bald eagle (<u>Haliaeetus leucocephalus</u>)	Migration, winter resident
Whooping crane (<u>Grus americana</u>)	Migration

Bald eagles migrate statewide and utilize mature riparian timber near streams, lakes, and wetlands. During the winter and migration bald eagles are scattered along the Republican River in the vicinity of the proposed abandonment. The primary bald eagle migration and wintering period is mid-November to April 1. It appears unlikely that abandonment activities will adversely affect wintering or migrant bald eagles.

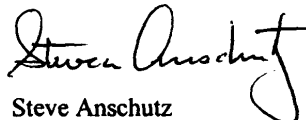
Whooping cranes use shallow, sparsely vegetated streams and wetlands in which to feed and roost during migration. The peak migration seasons in Nebraska are from approximately March 23 through May 10, and from October 1 through November 16. Whooping cranes have been confirmed using wetlands adjacent to the Republican River upstream from Franklin, and downstream from Red Cloud, Nebraska. Although no whooping cranes have been confirmed in the vicinity of the proposed abandonment, potential roosting and feeding habitat (e.g., shallow wetlands) may be present. If whooping cranes are observed in the vicinity of the proposed abandonment, any activities associated with the proposed abandonment, which are being

conducted within 1-mile of the whooping crane use site, should cease until the birds leave the area.

If the Federal action agency determines that the proposed project may affect federally listed species, formal section 7 consultation should be requested from this office. If they determine that there will be no effect, and the Service concurs, further consultation is unnecessary.

We appreciate the opportunity to review and comment on this proposed project. Should you have questions, please contact Mr. Wally Jobman within our office at (308)382-6468, extension 16.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Anschutz". The signature is fluid and cursive, with a large, stylized "S" at the beginning and a long, sweeping underline.

Steve Anschutz
Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Julie Godberson)

(c)BNSF.ltr

G

Nettles, Brian

From: Bill_Carson@blm.gov
Sent: Tuesday, September 10, 2002 1:38 PM
To: bnettles@freebornpeters.com
Subject: BNSF Abandonment - Franklin to Red Cloud, NE

I have reviewed the proposed abandonment and found that it will not affect any public lands administered by the Bureau of Land Management.

Bill Carson
Realty Specialist
Newcastle Field Office
307-746-6607

H



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

REPLY TO
ATTENTION OF:

October 10, 2002

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677


Dear Mr. Nettles:

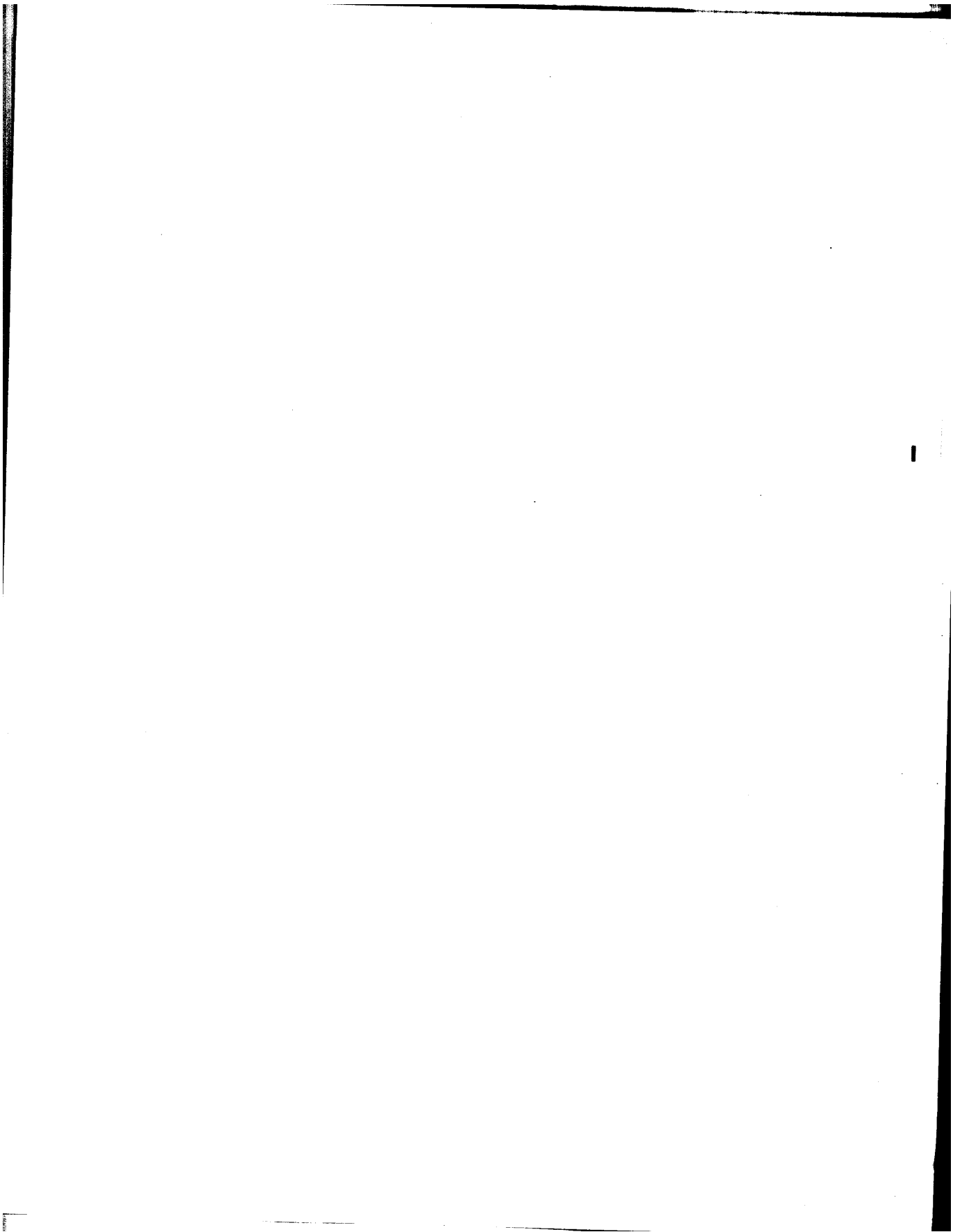
This letter is in regard to a proposed railroad track abandonment/removal project by the Burlington Northern and Santa Fe Railway Company. The track extends from Franklin, Nebraska to Red Cloud, Nebraska.

After reviewing the materials you provided, the project will not require a Department of the Army permit. If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements. Although a Department of the Army permit pursuant to Section 404 of the Clean Water Act and/or Section 10 of the River and Harbor Act is not required for this project, this does not eliminate the requirement that you obtain other applicable Federal, State, Tribal and/or Local permits as required.

If you have any questions regarding this matter, please feel free to contact Mr. Keith Tillotson at (308) 234-1403 and refer to file number NE 02-11193.

Sincerely,


for Michael Rabbe
Nebraska State Program Manager



Freeborn & Peters

September 3, 2002

Franklin County Engineer
405 15th Ave
Franklin, NE 68939

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Franklin, Nebraska to Red Cloud, Nebraska***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska to Milepost 197.15 near Red Cloud, Nebraska.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by October 3, 2002. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

J

Freeborn & Peters

September 3, 2002

Lonnie Knehans
Webster County Clerk
621 N Cedar St
Red Cloud, NE 68970

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Franklin, Nebraska to Red Cloud, Nebraska***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Mr. Knehans:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska to Milepost 197.15 near Red Cloud, Nebraska.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by October 3, 2002. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

K

STATE OF NEBRASKA



Mike Johanns
Governor

October 8, 2002

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Chicago, IL 60606-6677

RE: NPDES permitting requirements for railroad line abandonment to be carried-out by the Burlington Northern and Santa Fe Railway Company

Dear Mr. Nettles:

From the description provided in your letter of September 3, 2002, it appears that an NPDES permit will not be required for track and tie removal from the 10.8 mile segment of railroad line being abandoned.

NPDES permit coverage is required for storm water discharges from construction sites where 5 or more acres of land are graded or disturbed. This size threshold will be reduced to 1 acre on March 10, 2003. However, simply removing tracks and ties without grading the right-of-way would not trigger the need for an NPDES permit pursuant to these requirements.

If you have any questions, please contact me at 402/471-2023.

Sincerely,


Jim Yeggy, Program Specialist
NPDES Permit Unit

c: NPDES construction storm water file NPDES NER100059

An Equal Opportunity/Affirmative Action Employer

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L

*Nebraska Division
Wymore Subdivision
Franklin, NE (M.P. 216.95 to Red Cloud, NE (M.P. 197.15)*

Abandonment Documentation

Abandonment Documentation (M.P. 216.95 to M.P. 197.15)

List of Bridges

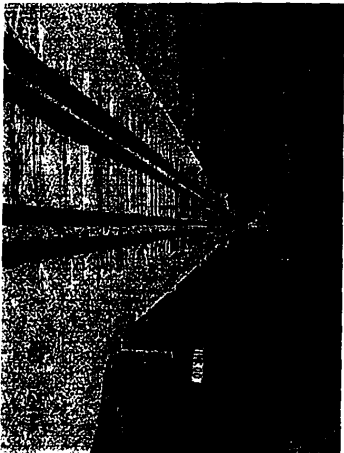
Bridge: 198.00	Built: 1916	Length: 191'	Height: 6'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 198.46	Built: 1948	Length: 26'	Height: 5'	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 198.86	Built: 1923	Length: 92'	Height: 8'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 199.90	Built: 1908	Length: 40'	Height: 8'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 200.91	Built: 1923	Length: 72'	Height: 10'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 201.53	Built: 1910	Length: 30'	Height: 6'	Type: Ballast/Concrete Deck Frame Trestle	Obstacle: Water
Bridge: 202.01	Built: 1910	Length: 72'	Height: 9'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 202.48	Built: 1916	Length: 64'	Height: 14'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 203.46	Built: 1923	Length: 62'	Height: 10'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 204.25	Built: 1910	Length: 80'	Height: 8'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 204.78	Built: 1930	Length: 188'	Height: 11'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 206.03	Built: 1911	Length: 48'	Height: 4'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 206.53	Built: 1924	Length: 56'	Height: 8'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 206.73	Built: 1936	Length: 42'	Height: 9'	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 208.06	Built: 1930	Length: 43'	Height: 5'	Type: Ballast Deck Frame Trestle	Obstacle: Water

Bridge: 208.33	Built: 1929	Length: 257'	Height: 17'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 208.69	Built: 1903	Length: 41'	Height: 15'	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 210.05	Built: 1916	Length: 96'	Height: 7'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 210.52	Built: 1924	Length: 56'	Height: 7'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 211.49	Built: 1892	Length: 60'	Height: 18'	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 212.03	Built: 1913	Length: 32'	Height: 6'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 214.24	Built: 1924	Length: 62'	Height: 6'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 214.42	Built: 1892	Length: 50'	Height: 14'	Type: Open Deck Pile Trestle	Obstacle: Water
Bridge: 214.79	Built: 1931	Length: 42'	Height: 7'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 216.32	Built: 1925	Length: 116'	Height: 10'	Type: Ballast Deck Frame Trestle	Obstacle: Water
Bridge: 216.95	Built: 1910	Length: 80'	Height: 7'	Type: Ballast Deck Frame Trestle	Obstacle: Water

•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1916
Length : 191 ft.
Obstacle : Water

Milepost : 198.00
Height : 6 ft.
Type : Ballast Deck

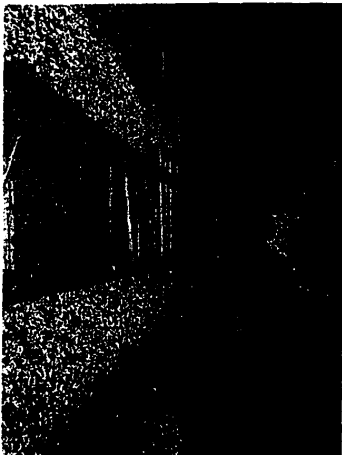


Sorry: No Side Pictures , Camera Malfunction.

•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1948
Length : 26 ft.
Obstacle : Water

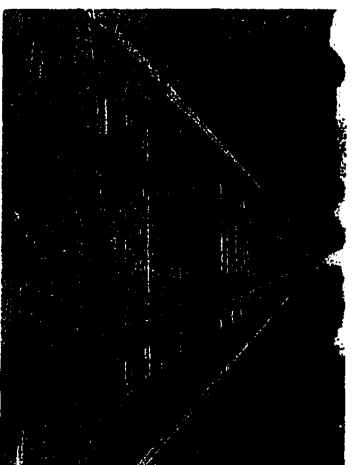
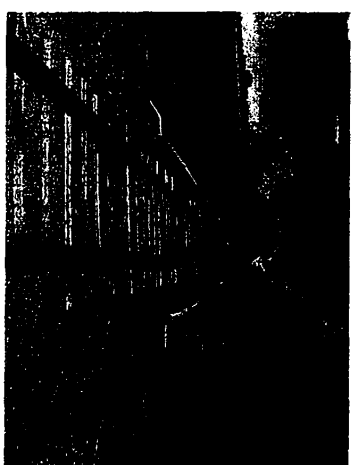
Milepost : 198.46
Height : 5 ft.
Type : Open Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1923
Length : 92 ft.
Obstacle : Water

Milepost : 198.86
Height : 8 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1908
Length : 40 ft.
Obstacle : Water

Milepost : 199.90
Height : 8 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1923
Length : 72 ft.
Obstacle : Water

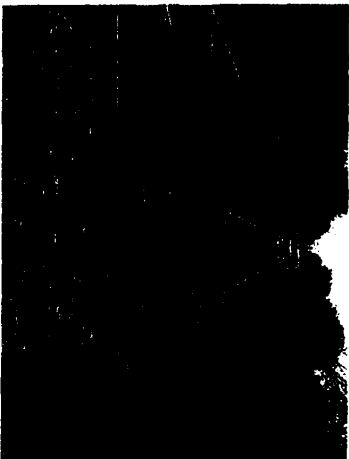
Milepost : 200.91
Height : 10 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1910
Length : 30 ft.
Obstacle : Water

Milepost : 201.53
Height : 6 ft.
Type : Ballast / Concrete



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1910
Length : 72 ft.
Obstacle : Water

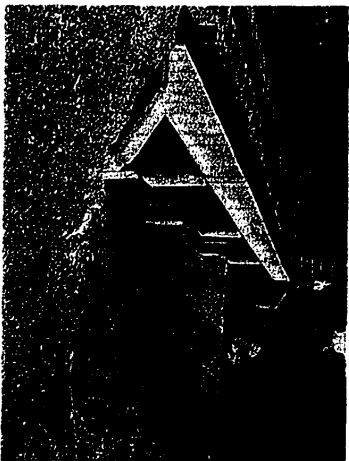
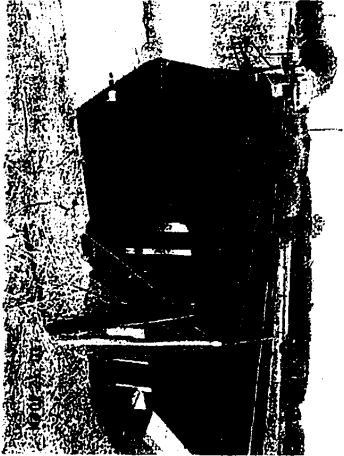
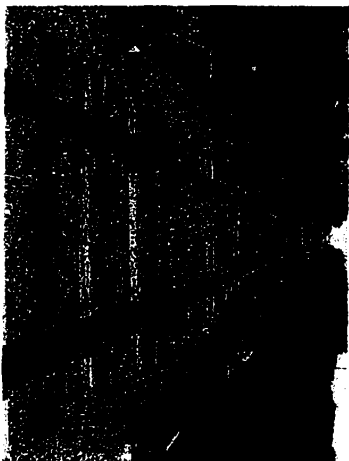
Milepost : 202.01
Height : 9 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1916
Length : 64 ft.
Obstacle : Water

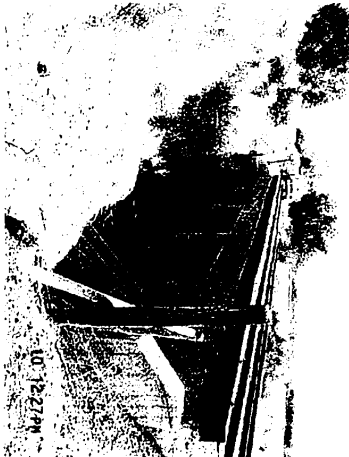
Milepost : 202.48
Height : 14 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1910
Length : 80 ft.
Obstacle : Water

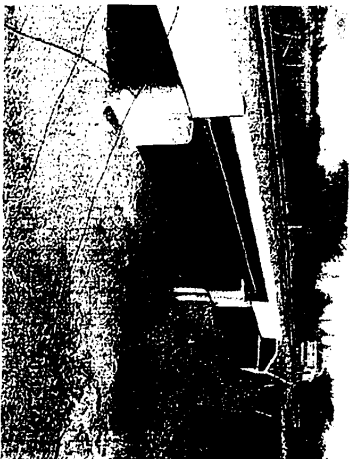
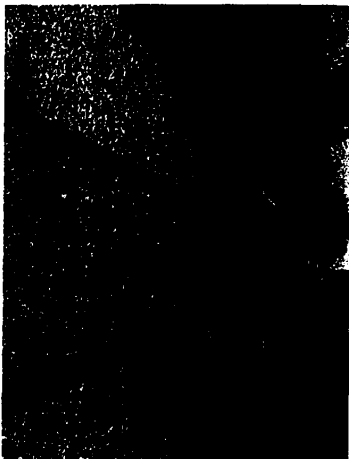
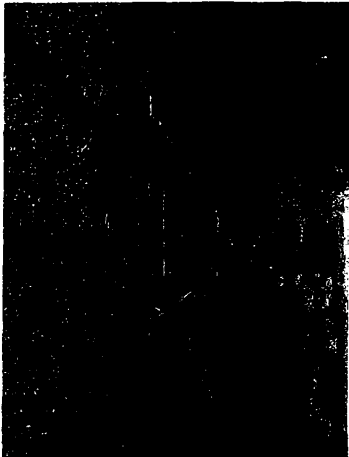
Milepost : 204.25
Height : 8 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1923
Length : 62 ft.
Obstacle : Water

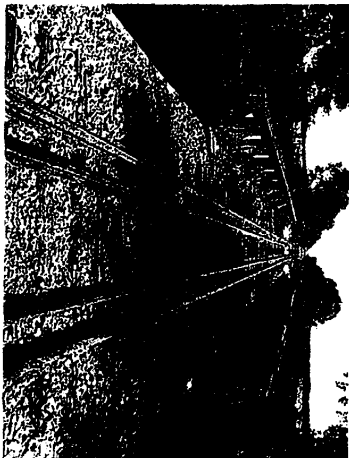
Milepost : 203.46
Height : 10 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1930
Length : 188 ft.
Obstacle : Water

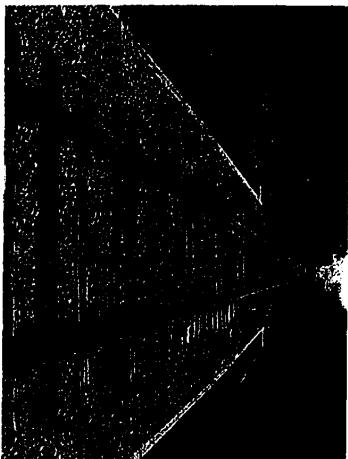
Milepost : 204.78
Height : 11 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1911
Length : 48 ft.
Obstacle : Water

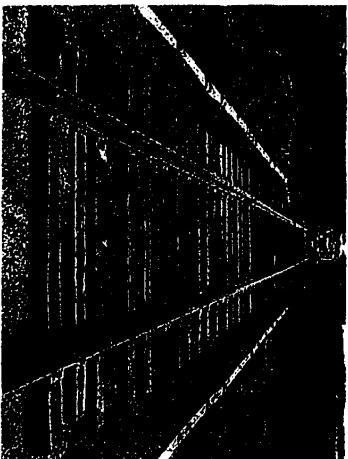
Milepost : 206.03
Height : 4 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1924
Length : 56 ft.
Obstacle : Water

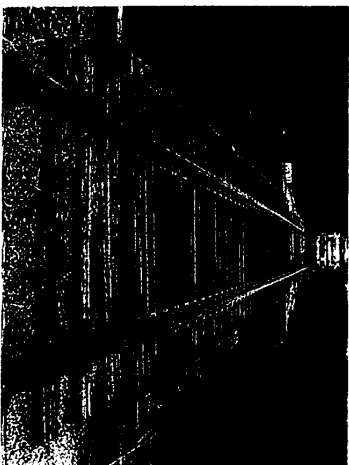
Milepost : 206.53
Height : 8 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1936
Length : 42 ft.
Obstacle : Water

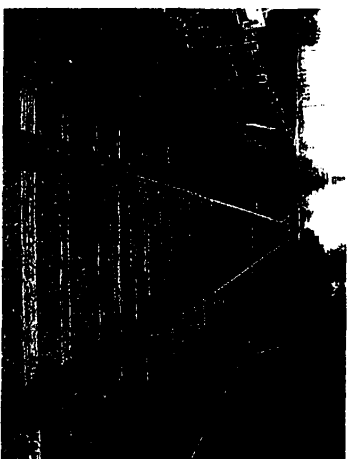
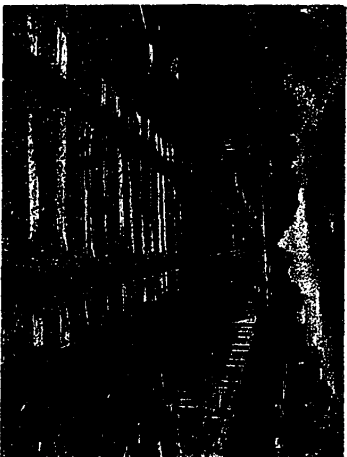
Milepost : 206.73
Height : 9 ft.
Type : Open Deck



• NEBRASKA DIVISION
WYMORE SUB

Date Built : 1930
Length : 43 ft.
Obstacle : Water

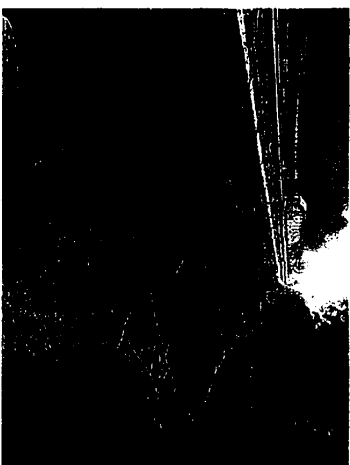
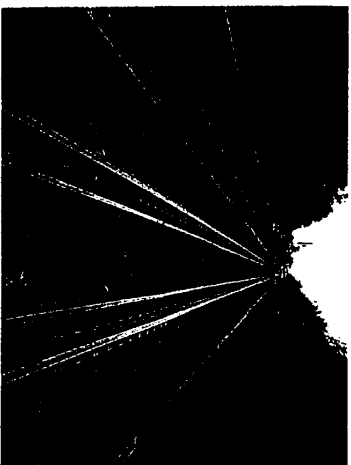
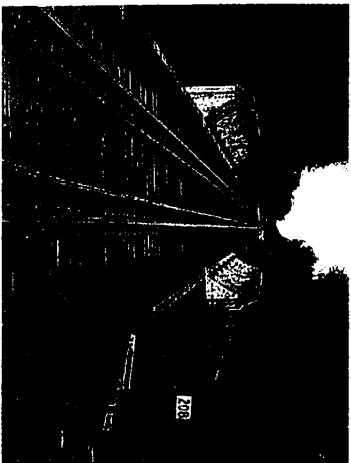
Milepost : 208.06
Height : 5 ft.
Type : Ballast Deck



• NEBRASKA DIVISION
WYMORE SUB

Date Built : 1929
Length : 257 ft.
Obstacle : Water

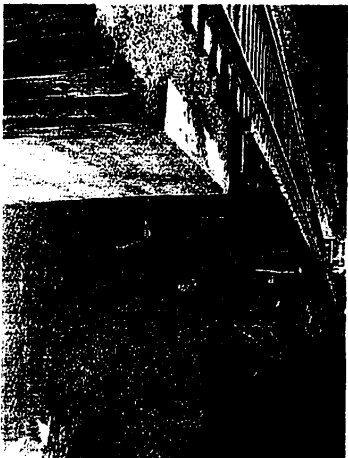
Milepost : 208.33
Height : 17 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1903
Length : 41 ft.
Obstacle : Road

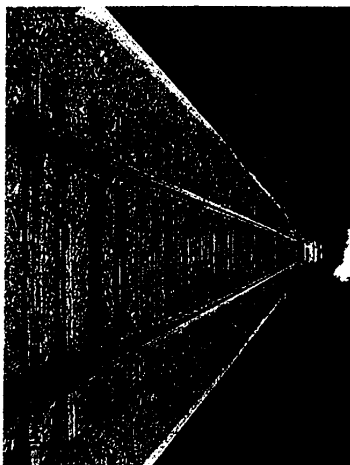
Milepost : 208.69
Height : 15 ft.
Type : Open Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1916
Length : 96 ft.
Obstacle : Water

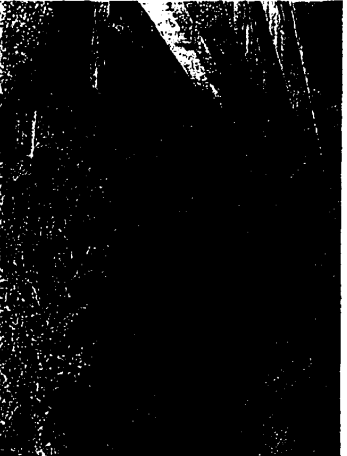
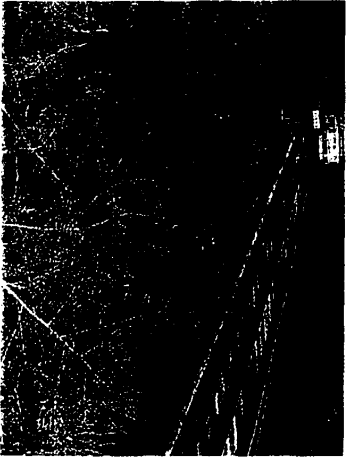
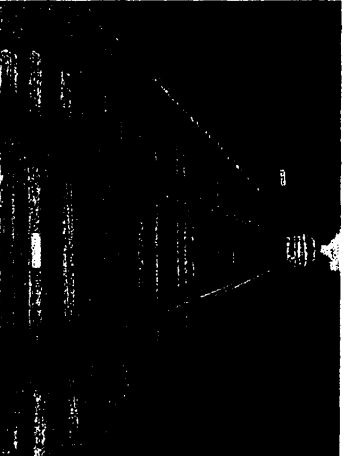
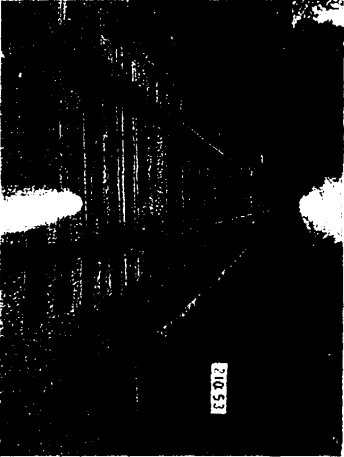
Milepost : 210.05
Height : 7 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1924
Length : 56 ft.
Obstacle : Water

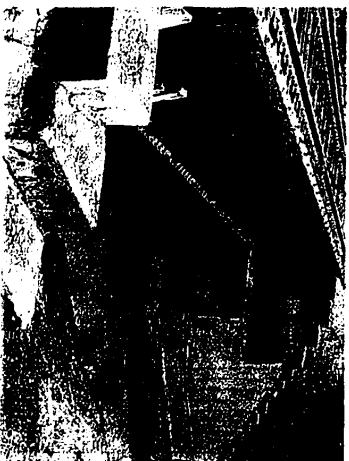
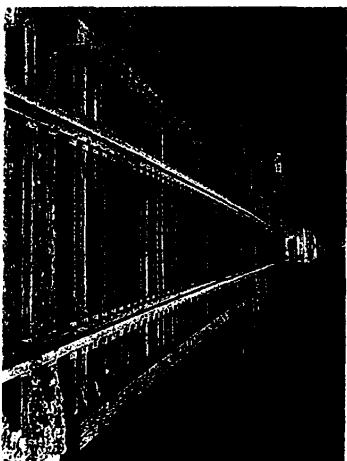
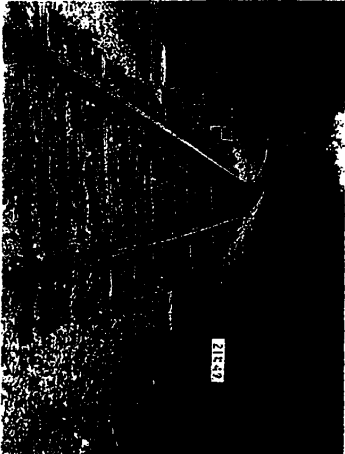
Millpost : 210.52
Height : 7 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1892
Length : 60 ft.
Obstacle : Water

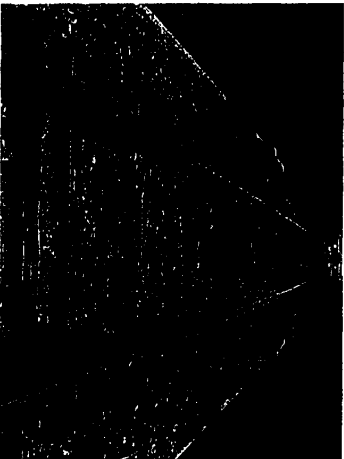
Milepost : 211.49
Height : 18 ft.
Type : Open Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1913
Length : 32 ft.
Obstacle : Water

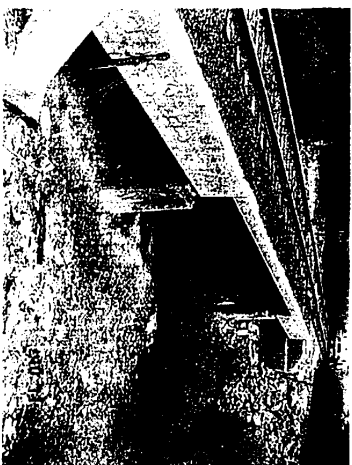
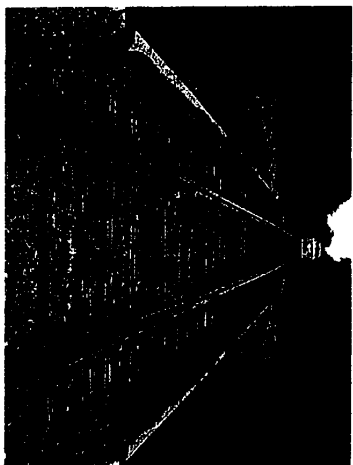
Milepost : 21203
Height : 6 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1924
Length : 62 ft.
Obstacle : Water

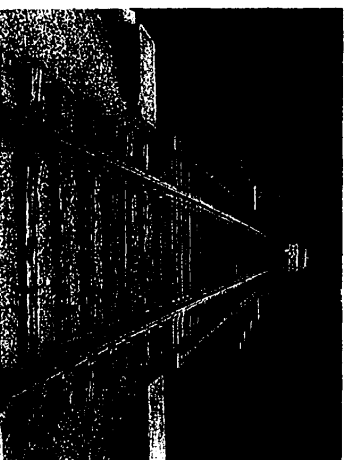
Milepost : 214.24
Height : 6 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1892
Length : 50 ft.
Obstacle : Water

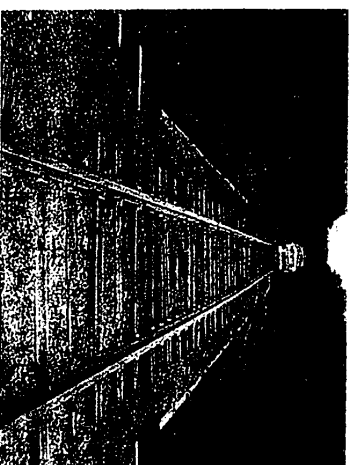
Milepost : 214.42
Height : 14 ft.
Type : Open Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built : 1931
Length : 42 ft.
Obstacle : Water

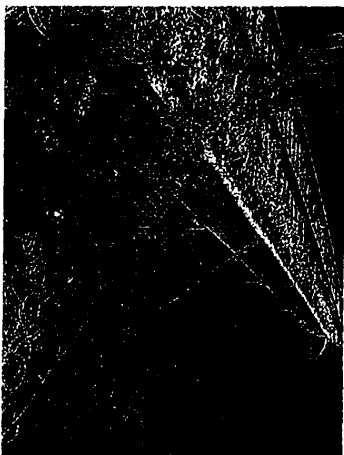
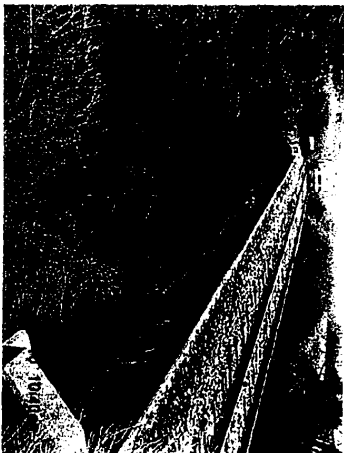
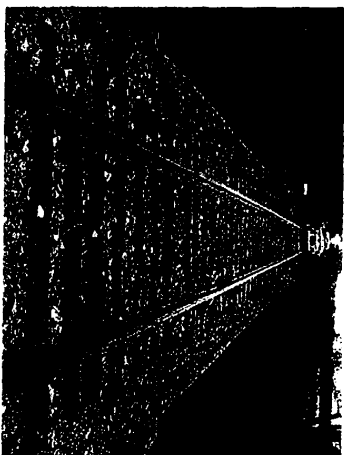
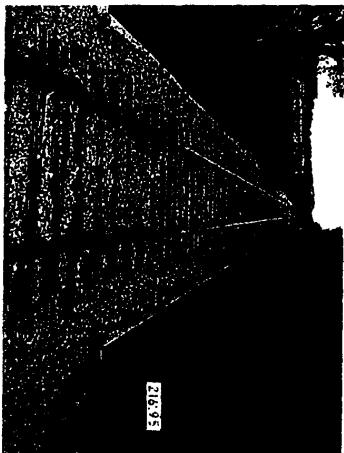
Milepost : 214.79
Height : 7 ft.
Type : Ballast Deck



•NEBRASKA DIVISION
WYMORE SUB

Date Built: 1910
Length : 80 ft.
Obstacle : Water

Milepost: 216.95
Height : 7 ft.
Type : Ballast Deck

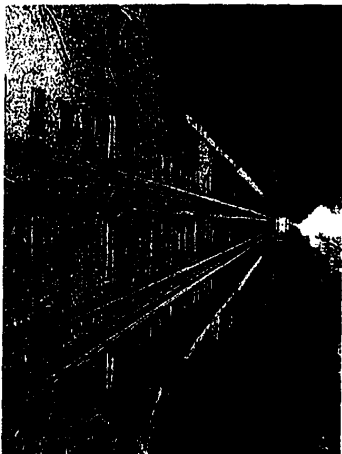


•NEBRASKA DIVISION
WYMORE SUB

Date built: 1925
Length : 116 ft.
Obstacle : Water



Milepost: 216.32
Height : 10 ft.
Type : Ballast Deck



M



NEBRASKA STATE HISTORICAL SOCIETY
1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org

24 October 2002

Brian Nettles
311 South Wacker Driver
Suite 3000
Chicago, Illinois 60606-6677

Re: Burlington Northern and Santa Fe RR
Abandonment Franklin to Red Cloud, NE
Franklin and Webster Cos.
H.P. #0209-118-01

Dear Mr. Nettles:

A review of our records indicates the presence of two archaeological resources on or near the proposed project. Attached is the location of the two sites (25FR36 and 25FR40). There is insufficient information in our files to make a determination of eligibility for the National Register of Historic Places. It is recommended that a qualified archaeologist inspect the location of these sites to determine the potential effect of the proposed project on the sites. No other historic resources (architectural or historic) will be effected by the proposed project.

Sincerely,

Terry Steinacher
H.P. Archaeologist

Concurrence:

L. Robert Puschendorf
Deputy NeSHPO

Record Check

10/24/2002

SITENO	CONTEXT	NATREG	TWN	RNG	SECT	QUARTER
FR 36	NSC	UNK	T 2N	R14W	S35	SW4SW4SW4
FR 40	UNP	UNK	T 1N	R14W	S 2	NE4NW4NE4

CODES FOR SITE RECORDS AND SURVEY REPORTS

SITENO (Archaeological Site Number)

LC = Lancaster County
FR = Franklin
KH = Keith
WT = Webster

CONTEXT (Site Cultural Affiliation)

CP = Central Plains Villagers
CP-UPR = Central Plains Villagers, Upper Republican Phase
CP-ITS = Central Plains Villagers, Itskari (Loup River) Phase
CP-NEB = Central Plains Villagers, Nebraska Phase
CP-STH = Central Plains Villagers, St. Helena Phase
WD = Plains Woodland
AR = Archaic
NSC = Non-Specific Ceramic
EA = European/American
EA-REL = European/American Religious/Ceremonial
EA-FAR = European/American, Farm/Ranch
EA-ICE = European/American Industrial/Commercial Enterprises
NSC = Non-Specific Ceramic
UNP = Unknown Prehistoric
UNH = Unknown Historic
UNK = Unknown
CD-PAW = Pawnee
CO-RED = Coalescent Villagers, Redbird Phase
WN-DIS = Western Nebraska Protohistoric, Dismal River Complex
SS = Sedentary Siouan

NATREG (National Register Status)

UNK = Unknown/Unevaluated
POI = Evaluated by Professional Archaeologist as Potentially Ineligible
ONR = Listed on National Register of Historic Places
ELE = Determined as Eligible for the National Register by State Historic Preservation Officer
ELN = Determined as Not Eligible for the National Register by State Historic Preservation Officer

SURNO (Record Control Number)

TYPE (Type of Cultural Resource Survey)

I = Intensive Survey Conducted By a Patterned Search
R = Reconnaissance Survey Conducted By an Unpatterned Search

SIZE (of Surveyed Area)

Expressed in Acres

OTHER

NHAP-PSS = Nebraska Highway Archeology Program - Project Survey Summary